

## **REMARKS**

An Office Action was mailed August 23, 2007. An Request for Continued Examination (RCE) is being filed herewith. This response is timely. Any fee due with this paper, including any necessary extension fees, may be charged on Deposit Account 50-1290.

### **Summary**

Claims 13-26 were pending at the time of examination.

By the foregoing, for clarity, claims these claims are now cancelled, and new claims are submitted. No new matter has been added. All claims are well supported by the specification.

### **Rejection under 35 U.S.C. §112**

Claims 14-26 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite for reciting “a jacket having sleeves and no sleeves.” A similar limitation now reads “a jacket,” by which applicant claims a sleeved and unsleeved garment. No new matter has been added.

Accordingly, the Examiner is respectfully requested to withdraw the rejection.

### **Rejection under 35 U.S.C. §102(b) in view of Keyes**

Claims 13-26 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,500,952 to Keyes. The rejection is respectfully traversed with respect to the new claims.

Keyes does not teach, disclose, or suggest the claimed invention. The presently claimed invention of independent claim 27 is a garment having a plurality of airbags to ensure active protection of the upper body of the wearer. One airbag extends from one side of the chest to the other side of the wearer's chest above the sternum. The claimed invention provides advantages to these users not before seen and who as the specification at pg. 1, lines 6-12 makes clear have been underserved.

The Examiner cites that col. 3, lines 6-col.4, line, 60 teach the previously claimed invention. Applicant respectfully disagrees. Keyes teaches a belt 12 worn at the waist to protect the lower body of elderly patients. Keyes teaches that it is worn “*positioned so as to completely surround the hips, pelvis, buttocks, and coccyx areas.*” Col. 3, lines 60-62. See also, col. 3, lines 16-17, a belt-like or cummerbund.

At no time does Keyes teach that the device extends from one side of the chest to the other side of the wearer’s chest above the sternum. Keyes invention is worn and intended to be worn around the pelvis, since Keyes seeks to protect the area most likely to be damaged when the elderly fall to the ground while walking or standing.

Keyes does not teach, disclose, or suggest protection for the upper part of the body and which protection extends from one side to the other side of the chest above the sternum. This provides superior protection to the rib cage of a wearer for whom such protection is desperately needed. Please see pg. 1, lines 6-12 of the specification.

Furthermore, Keyes fails to teach a jacket.

Accordingly, the Examiner is respectfully requested to withdraw the rejection.

Rejection under 35 U.S.C. §102(b) in view of DeMarco

Claims 13-14, 16-21, and 25-26 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,977,623 to DeMarco. The rejection is respectfully traversed with respect to the new claims.

As now claimed more clearly, the present invention includes that “*wherein the jacket further comprises a front opening offset from a centerline of the garment.*” The subject matter was previously presented as claim 15, and DeMarco was not cited as anticipating that claim.

Indeed, as the below image of DeMarco makes clear, DeMarco does not teach, disclose, or suggest the claimed invention. In fact, DeMarco teaches away from the claimed invention. DeMarco teaches a pair of individually inflatable bags 12 having a zipper at the centerline of the wearer's body. Unfortunately, this would leave an unprotected portion between the protective airbags. This is suitable for placing a zipper there, but leaves a user vulnerable in center of the chest.

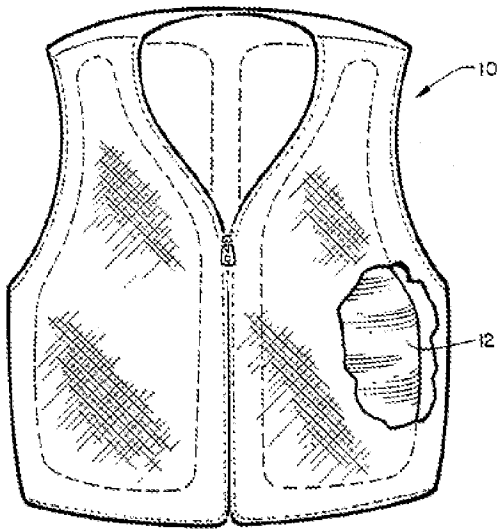


Fig. 1 of DeMarco

Accordingly, the Examiner is respectfully requested to withdraw the rejection.

All dependent claims are allowable for at least the same reasons as the independent claim from which they depend.

In view of the remarks set forth above, this application is in condition for examination and ready passage to allowance, which is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for examination or allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper, including any necessary extension fees, may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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**CUSTOMER NUMBER 026304**

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